IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1072 OF 2004

Administration of Daman & Diu
through in-charge Diu Police ’
Station, Diu. ..Appellant

V/s.

Shri Premji Mauji Solanki & Anr. ..Respondents

Mr.G.R.Agarwal for the appellant.

Mr.S.R.Shinde, APP for Respondent/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the Administration of Daman & Diu against a jugement and order passed by the Chief Judicial Magistrate, Diu on 17.6.2004 acquitting the accused of the offence punishable under Section 468 of IPC. It was the case of the prosecution that respondent no.1 was holding a diploma in draughtsmanship and was working with PWD department of Diu. The government department had permitted him to do private practise. Respondent no.1 was making false documents showing his designation as B.E.(Africa). He has also prepared a rubber stamp showing his qualification as B.E.(civil). Plans prepared in such manner were

accepted by the authorities i.e. municipality, panchayat etc. The allegation was he had made such a seal and prepared plans with the intention of cheating the general public. It has been held by the Court that no ingredient of cheating has been proved and not a single witness has come forward to say that accused deceived any person or intentionally incduced the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act of omission caused or was likely to cause damage or harm to that person in body, mind, reputation or property. In my view, not a fit case to interfere. Hence leave is refused and consequently, appeal stands dismissed.

(R.S.Mohite,J)